



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/575,885	05/22/2000	Donald E. Crowe	Crowe 2-2-2	2754

22186 7590 06/02/2004

MENDELSON AND ASSOCIATES PC
1515 MARKET STREET
SUITE 715
PHILADELPHIA, PA 19102

EXAMINER

HOM, SHICK C

ART UNIT.	PAPER NUMBER
-----------	--------------

2666

10

DATE MAILED: 06/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/575,885

Applicant(s)

CROWE ET AL.

Examiner

Shick C Horn

Art Unit

2666

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 7-12 and 17 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6 and 19-27 is/are allowed.
- 6) ☒ Claim(s) 13-16, 18 and 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2666

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-28 have been considered but are moot in view of the new ground(s) of rejection.

2. Upon reconsideration, the finality of the previous office action has been withdrawn.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 13-16, 18, and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Bossemeyer, Jr. et al. (6,335,936).

Regarding claim 13:

Art Unit: 2666

Bossemeyer, Jr. et al. disclose the method for processing signals in a multi-services access system for a telecommunication network (see col. 2 lines 44-53 which recite the wide area communication network for transmitting voice, data, facsimile, video and other data clearly anticipate the multi-services access system for a telecommunication network), comprising the steps of: (a) receiving packetized data signals and packetized derived voice signals from a packet-mode customer premises equipment (CPE) unit (see Fig. 3 and col. 4 lines 20-33 which recite the voice signal, data signal from the customer premises equipment); (b) determining whether each packet received from the packet-mode CPE unit is a data packet or a derived voice packet (see col. 4 lines 34-63 which recite means for separating voice signals from data signals clearly reads on means for determining whether packet is a data packet or a derived voice packet); (c) transmitting each data packet from the packet-mode CPE unit directly to a packets-switched network for packet-based switching (see Fig. 4 and col. 5 lines 22-43 which recite the packet-switched connections for carrying digital data traffic); and (d) converting each derived voice packet from the packet-mode CPE unit into a digital stream and transmitting the digital stream directly to a circuit-switched network for circuit-based switching (see col. 4 line 64 to col.

Art Unit: 2666

5 line 21 which recite converting voice data to digital packet stream, the derived voice lines, and col. 5 lines 44-56 which recite converting the voice telephone call in data network protocol into circuit-switched protocol), wherein: the access system enables the packet-mode CPE unit to transmit and receive packetized derived voice signals to and from the circuit-switched network without using any packet-switched network and without using any external gateway interconnecting the circuit-switched network and any packet-switched network (see col. 5 line 57 to col. 6 line 5 and col. 6 lines 41-54 which recite the direct interface with circuit-switches for voice signal without gateway interconnecting circuit-switched network and packet-switched network).

Regarding claim 28:

Bossemeyer, Jr. et al. disclose the method for processing signals in a multi-services access system for a telecommunication network (see col. 2 lines 44-53 which recite the wide area communication network for transmitting voice, data, facsimile, video and other data clearly anticipate the multi-services access system for a telecommunication network), comprising the steps of: (a) receiving packetized data signals and packetized derived voice signals from a packet-mode customer premises equipment (CPE) unit (see Fig. 3 and col. 4 lines 20-33

Art Unit: 2666

which recite the voice signal, data signal from the customer premises equipment); (b) determining whether each packet received from the packet-mode CPE unit is a data packet or a derived voice packet (see col. 4 lines 34-63 which recite means for separating voice signals from data signals clearly reads on means for determining whether packet is a data packet or a derived voice packet); (c) transmitting each data packet from the packet-mode CPE unit directly to a packet-switched network for packet-based switching (see Fig. 4 and col. 5 lines 22-43 which recite the packet-switched connections for carrying digital data traffic); and (d) converting each derived voice packet from the packet-mode CPE unit into a digital stream and transmitting the digital stream directly to a circuit-switched network for circuit-based switching (see col. 4 line 64 to col. 5 line 21 which recite converting voice data to digital packet stream, the derived voice lines, and col. 5 lines 44-56 which recite converting the voice telephone call in data network protocol into circuit-switched protocol), wherein: the multi-services access system is a multi-services digital loop carrier (DLC) system (see col. 4 lines 7-19 which recite the DLC system); and the packet-mode CPE unit is a DSL CPE unit (see col. 6 lines 20-29 which recite the DSL).

Regarding claim 14:

Art Unit: 2666

Bossemeyer, Jr. et al. disclose wherein the access system does not have individual dedicated resources for the packet-mode CPE unit (see col. 5 line 57 to col. 6 line 5 and col. 6 lines 41-54).

Regarding claim 15:

Bossemeyer, Jr. et al. disclose wherein the access system dynamically allocates, in real time, system resources for the packet-mode CPE unit (see col. 20 lines 9-18 which recite the voice signals, i.e. real time data, over the packet-switched network clearly reads on allocating resources in real time).

Regarding claim 16:

Bossemeyer, Jr. et al. disclose the steps of: (e) receiving an incoming digital stream directly from the circuit-switched network; (f) converting the incoming digital stream into an outgoing packetized derived voice signal; and (g) transmitting the outgoing packetized derived voice signal to the packet-mode CPE unit (see col. 4 line 64 to col. 5 line 21 which recite converting voice data to digital packet stream, the derived voice lines, and col. 5 lines 44-56 which recite converting the voice telephone call in data network protocol into circuit-switched protocol and see Figs. 4-6).

Regarding claim 18:

Art Unit: 2666

Bossemeyer, Jr. et al. disclose wherein the multi-services access system is a multi-services digital loop carrier (DLC) system (see col. 4 lines 7-19 which recite the DLC system); and the packet-mode CPE unit is a DSL CPE unit (see col. 6 lines 20-29 which recite the DSL).

Allowable Subject Matter

5. Claims 1-6 and 19-27 are allowed.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rajakarunanayake disclose an uninterrupted transfer of voice telephony service to derived voice technology.

7. Any response to this nonfinal action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9306, (for Technology Center 2600 only)

Art Unit: 2666

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (2600 Receptionist at (703) 305-4750).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shick Hom whose telephone number is (703) 305-4742. The examiner's regular work schedule is Monday to Friday from 8:00 am to 5:30 pm EST and out of office on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao, can be reached at (703) 308-5463.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.



DANSTON
PRIMARY EXAMINER

SH

May 19, 2004